



APPEAL PROCEDURES FOR USE PERMITS AND VARIANCES

WHO IS ELIGIBLE TO APPEAL?

- * The applicant for the granting or modification of the Use Permit or Variance.
- * Those persons who protested the granting, revocation or modification of the Use Permit or Variance. Protest must have been in writing and be on file in the office of the Planning Commission, the Planning and Environmental Review Board (PERB) or the Director (whoever has jurisdiction over the application) prior to the time of the hearing or consideration of the matter by said authority; or by appealing and protesting the granting, revocation or modification of the Use Permit or Variance at the hearing or consideration of the matter by said authority.
- * Any County officer, Board, Commission or other County body.

WHEN MUST AN APPEAL BE FILED?

An appeal, or a written request for permission to appeal, must be filed within **ten (10) calendar days** of the date on which the decision being appealed was rendered. If the tenth day falls on a weekend or County holiday, the appeal can be filed on the following work day.

HOW MUCH DOES AN APPEAL COST?

Please refer to the Fee Schedule for all appeal filing fees. Only one appeal fee is charged for an appeal of action involving multiple permits.

WHO DECIDES THE APPEAL?

VARIANCES:

- * A concurrent Variance decision may be appealed to the same appeal authority as the Use Permit or subdivision map with which the Variance is concurrent (same project).
- * A regular Variance decision by the Director may be appealed to the Planning Commission (PC). The PC decision is final and effective immediately.

USE PERMITS:

- * A concurrent Use Permit decision by the Planning Commission may be appealed to the Board of Supervisors.
- * A Minor Use Permit decision of the Director may be appealed to the PC. The PC decision is final and effective immediately.

EXCEPTIONS:

- * *A decision concerning a Minor Use Permit application filed concurrently with a Tentative Subdivision Map, Reclassification (rezone), or Major Use Permit application may be appealed to the same appeal authority as the concurrent application.*
- * *A decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission. The Planning Commission decision is final and effective immediately.*

HOW DO I FILE AN APPEAL?

Appeal forms and further information are available at the Zoning Counter, Department of Planning and Land Use, 5201 Ruffin Road, San Diego, CA 92123. Telephone: (858) 565-5981.

Note: An appeal going to the Board of Supervisors can be filed either at the Department of Planning and Land Use or at the Clerk of the Board of Supervisors.

GRAPHICS?

If you desire any graphics or displays shown at the Planning Commission hearing to use at the Board of Supervisors hearing, contact your project planner.

ENVIRONMENTAL FINDINGS?

If you disagree with the environmental findings and are eligible to appeal under provisions of The Zoning Ordinance, follow the above outlined procedures citing the inadequacies of the environmental document as the reason for the appeal. If you are ineligible and no one else files a legitimate appeal of the project determination, a lawsuit challenging the environmental determination may be filed.

Any lawsuit challenging the approval of the environmental document or the procedures followed by the public agency in complying with CEQA must be filed within 30 days after the filing of the Notice of Determination. If no Notice of Determination is filed, the lawsuit must be filed within 180 days after approval of the project. If these deadlines are not met, a lawsuit must be filed. Persons filing a lawsuit must pay filing fees (Superior Court and Appellate Court). Additional expenses include the cost of preparing the administrative record (this varies and can be very expensive).